

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE

v.

KHALIER ROSS,

Defendant.

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I.D. No. 1803010488

ORDER

Submitted: January 11, 2023

Decided: April 12, 2023

AND NOW TO WIT, this 12th day of April 2023, upon consideration of Khalier Ross (“Defendant”)’s Motion for Modification of Sentence under Superior Court Criminal Rule 35, the sentence imposed upon the Defendant, and the record in this case, it appears to the Court that:

1. On July 30, 2018, Defendant pled guilty to Assault Second Degree, Robbery Second Degree, and two counts of Possession of a Firearm During Commission of Felony (“PFDCF”).¹ On April 3, 2019, Defendant was sentenced: (1) for Assault Second Degree, to eight years at Level V, suspended for eight years at Level IV DOC Discretion, followed by two years at Level III; (2) for Robbery Second Degree, to five years at Level V, suspended for two years at Level III; (3)

¹ D.I. 15.

for each PFDCF charge, to three years at Level V respectively.²

2. On January 3, 2023, Defendant filed a Motion for Modification of Sentence asking the Court to suspend his Level IV sentence for two years at Level III.³ In support, Defendant asserts that he is remorseful, he has put efforts into education, and he is resilient.⁴

3. Under Rule 35(b), the Court may reduce the “term or conditions of partial confinement or probation, at any time.”⁵ The Court, however, declines to exercise its discretion and modify Defendant’s Level IV sentence. Defendant fails to state sufficient grounds for his requested relief. At the time of sentencing, this Court determined that a transitioning Level IV sentence was appropriate. As such, Defendant’s sentence is appropriate for all the reasons stated at the time of sentencing.

IT IS SO ORDERED that the Defendant’s Motion for Modification of Sentence is **DENIED**.

/s/ Vivian L. Medinilla
Vivian L. Medinilla
Judge

oc: Prothonotary
cc: Defendant
Department of Justice
Investigative Services

² D.I. 18.

³ D.I. 25.

⁴ *Id.*

⁵ Del. Super. Ct. Crim. R. 35(b).